

PATENT

Atty Docket No.: 200400352-1

App. Ser. No.: 10/830,216

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks. Claim 5 has been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-35 are pending in the present application of which claims 1, 20, 26, 31, and 35 are independent.

Claims 1-35 were rejected under 35 U.S.C. §102(e) as being unpatentable over Dedene et al. (7,176,861).

Drawings

The Examiner's indication of the acceptance of the drawings as filed on April 23, 2004 is appreciated.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

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Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-35 were rejected under 35 U.S.C. §102(c) as being unpatentable over Dedene et al. (7,176,861).

Independent Claim 1

Claim 1 has been amended to incorporate the subject matter in the originally-filed claim 5, which has been canceled. Thus, amended claim 1 is claim 5 rewritten in independent form and recites,

- a) comparing the lifetime metric to a threshold; and
- b) determining to perform the step of identifying a plurality of display control options in response to the lifetime metric exceeding the threshold.

The Office Action rejected amended claim 1 (that is, originally-filed claim 5) by citing to Dedene et al., col. 9, line 66 to col. 10, line 3, and alleging that the "three sub-pixel emitter areas" are equivalent to the claimed "lifetime metric" and exceeding a certain threshold area. Office Action, p. 4. It is respectfully submitted that the "three sub-pixel emitter areas" cannot be equivalent to the claimed "lifetime metric" because such emitter areas are not metrics relating to the lifetime of the display, as is the definition of "lifetime metric" used in the claims.

Accordingly, it is respectfully submitted that Dedene et al. fails to anticipate amended claim 1 and its dependent claims 2-4 and 6-19 because it fails to disclose each and every element as arranged in such claims. Withdrawal of the rejection of claims 1-4 and 6-19 and their allowance are therefore respectfully requested.

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Claim 10

Claim 10 further recites "evaluating *lifetime metrics* and *non-lifetime metrics* for each of the plurality of display control options." (Emphasis added). The Office Action cited to FIG. 10, element 106 in Dedene et al. to reject both lifetime and non-lifetime metrics as claimed. However, element 106 refers to a step for calculating a brightness for each sub-pixel. At best, such a brightness calculation represents a non-lifetime metric. Thus, it cannot represent *both* lifetime and non-lifetime metrics.

Accordingly, it is respectfully submitted that claim 10 is further allowable over Dedene et al. and the references of records.

Claim 16

Claim 16 further recites,

estimating the lifetime costs of applications typically executed on a computer system including the display;
determining properties of screen usage for the display, the display displaying information from the applications.

The Office Action rejected the above claimed features by citing to column 14, lines 59-64, of Dedene et al., which discusses the calculation of an integrated consumed energy. However, Dedene et al. does not provide any specific or particular discussion on estimating the lifetime costs of "*applications typically executed on a computer system including the display*" and "*determining properties of screen usage for the display, the display displaying information from the applications.*"

Accordingly, it is respectfully submitted that claim 16 is further allowable over Dedene et al. and the references of records.

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Independent Claims 20, 26, 31, and 35

Claims 20 and 31 have been amended to recite "a display *being used*." Claim 26 has been amended to recite "the means for displaying *is being used* to display information." Claim 35 has been amended to recite "a display *in use*." Thus, amended claims 20, 26, 31, and 35 are directed to extending the lifetime of an already existing display in use. In contrast, the methods as described in FIGs. 8-13 of Dedene et al. are directed to *designing* a display with extended lifetime so that such a display can be constructed according to the design. This is evidence in Dedene et al. at col. 16, lines 16-18. Thus, such methods are directed to steps performed prior to the existence or construction of such a display, as opposed to methods for extending the lifetime of an already-constructed display subsequent to the manufacturing of such a display.

Accordingly, Dedene et al. fails to anticipate claims 20, 26, 31, and 35 and their dependent claims because it fails to disclose each and every element arranged as claimed in such claims. Thus, withdrawal of the rejection of claims 20-35 and their allowance are respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please

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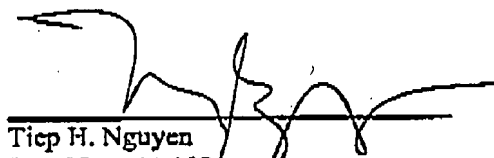
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grant any required extensions of time and charge any fees due in connection with this request
to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 10, 2007

By


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